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Colette Stammerjohn, Harold Wickham,
James Dzurenda, Renee Baker and Tara Carpenter*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CARLOS RUIZ,

Plaintiff,

vs.

NDOC, et al.,

Defendants.

Case No. 3:18-cv-00206-RCJ-WGC

**ORDER GRANTING
MOTION FOR EXTENSION OF TIME**

Defendants, Barbara Cegavske, Aaron Ford, Maribelle Henry, Steve Sisolak, Colette Stammerjohn, Harold Wickham, James Dzurenda, Renee Baker and Tara Carpenter, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby moves this Court for an extension of time to file their reply to Plaintiff's Opposition to Defendants' Motion for Summary Judgment. (ECF No. 77). This Motion is made and based upon the attached Points and Authorities, the papers and pleadings on file, herein, and such other and further information as this Court may deem appropriate.

MEMORANDUM OF POINTS AND AUTHORITIES

I. RELEVANT FACTS AND PROCEDURAL HISTORY AND ARGUMENT

This is a pro se prisoner civil rights action brought by inmate Plaintiff Carlos Ruiz, concerning events that allegedly took place at the Lovelock Correctional Center (LCC), asserting claims arising under 42 U.S.C. § 1983.

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1 The Plaintiff alleges a First Amendment Claim relating to an alleged violation of the free
 2 exercise of religion. (ECF No. 6 at 7). The FAC alleges that he practices “Messianic Judaism.” [sic].
 3 (ECF No. 6 at 8). Plaintiff alleges that effective February 1, 2018, changes would come pursuant to
 4 administrative regulation (“AR”) 810. Id at 10. A memo sent to the inmates stated that all Holy days
 5 would be scheduled in conjunction with regularly scheduled service time slots and that the culinary
 6 would only provide any religion with what was required by AR 810 and nothing more. Id. AR 810
 7 states that no facility is required to hold the religious celebration on the actual date and may allow the
 8 holy date to be celebrated on an alternate date during normally schedule weekly worship. Id. at 11. AR
 9 810 permits Messianics to use matzah and grape juice for their services but the NDOC religious
 10 practice manual does not require the NDOC to provide indigent inmates with matzoh and grape juice
 11 free of charge but makes it available for purchase. Id. at 13-14.

12 On November 18, 2021, the Defendants filed their Motion for Summary Judgment. (ECF No.
 13 72) Plaintiff filed his Opposition to the Motion on November 29, 2021. (ECF No. 77). Plaintiff, in this
 14 matter, filed a Motion for Summary Judgment. (ECF No. 69). Defendants filed their Opposition to that
 15 Motion on November 9, 2021. (ECF No. 74) Plaintiff replied on November 15, 2021. (ECF No. 75).
 16 Defendants’ Reply to Plaintiff’s Opposition is due on December 13, 2021. Counsel for the Defense is
 17 scheduled to be in a Jury Trial in front of the Honorable Miranda Du on December 13, 2021 in the
 18 matter of *Toribio-Ruiz v. Aranas*, USDC 3:17-cv-00674-MMD-CLB. Due to the trial, and preparation
 19 therefore, the Defendants request this Court for an extension of time to file the reply.

20 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

21 When an act may or must be done within a specified time, the court may,
 22 for good cause, extend the time: (A) with or without motion or notice if
 23 the court acts, or if a request is made, before the original time or its
 24 extension expires; or (B) on motion made after the time has expired if the
 25 party failed to act because of excusable neglect.

26 Defendants’ request is timely and will not hinder or prejudice Plaintiff’s case, but will allow for
 27 a thorough opportunity to review the case through Summary Judgment. The requested extension of
 28 time should permit the Defendants to file a well-researched and proper Reply to Plaintiff’s Opposition
 to Motion for Summary Judgment in this case. Therefore, the Defendants request a short extension of

1 time. Counsel for the Defense is scheduled to be in a Jury Trial in front of the Honorable Miranda Du
2 on December 13, 2021 in the matter of *Toribio-Ruiz v. Aranas*, USDC 3:17-cv-00674-MMD-CLB. This
3 matter has been well briefed to this point. The Defendants' Opposition to Plaintiff's Motion for
4 Summary Judgment (ECF No. 74) contains many of the arguments that will be offered in the Reply.
5 However, the Defendants would request an opportunity to brief a reply. With the trial, and the
6 upcoming holidays, Defendants request an additional 45 days to file the reply.

7 **II. CONCLUSION**

8 Defendants assert that the requisite good cause and extenuating circumstance is present to
9 warrant the requested extension of time. Therefore, the Defendants request a 45-day extension, until
10 **January 27, 2022**, to file their Reply to Plaintiff's Opposition to Defendants' Motion for Summary
11 Judgment.

12 DATED this 9th of December 2021.

13 AARON D. FORD
14 Attorney General

15 By: /s/ Douglas R. Rands
16 DOUGLAS R. RANDS, Bar No. 3572
17 Senior Deputy Attorney General

18 *Attorneys for Defendants*

19 IT IS SO ORDERED.

20 DATED: December 10, 2021.

21 William G. Cobb
22 UNITED STATES MAGISTRATE JUDGE
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